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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| **Office Action Summary** | Application No.
09/675,033 | Applicant(s)
BIRMINGHAM, BLAIR B.A. |
| | Examiner
Haresh Patel | Art Unit
2154 |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-46 are subject to examination.

Response to Arguments

2.   Applicant's arguments filed 10/24/2007, pages 9-18, have been fully considered but they are not persuasive. Therefore, rejection of the claims is maintained.

For further clarification, regarding the broadly claimed invention, **one of ordinary skilled in the art at the time of the invention very well knows** that "**an operating system that controls general purpose computing tasks**" is the inherent property of the operating system, as the **operating system by itself is the collection of software** that directs a computer's operations, controlling and scheduling the execution of other programs, and managing storage, input/output, and communication resources. It is the software designed to control the hardware of a **specific** data-processing system in order to allow users and application programs to make use of it. The operating system is a software that controls the **execution of computer programs.** The operating system is a software designed to handle basic elements of computer operation, such as sending instructions to hardware devices like **disk drives and computer screens**, and **allocating system resources such as memory** to different software applications being run. Note: both the claimed "appliance operating system" and "general operating system" are **operating systems** and not applications. Further, Appliance is an instrument, apparatus, or device for a particular purpose or use.

The specification of this application, provided by the applicant, under prosecution also very clearly states, "the present invention is not intended to be limited to the specific form set forth herein, but on the contrary, it is intended to cover such alternatives, modifications, and equivalents, as can be reasonably included within the spirit and scope of the invention. The preceding detailed description is, therefore, not to be taken in a limiting sense, and the scope of the present invention is defined only by the appended claims.

3.   The applicant's statements of the arguments/remarks dated 10/24/2007 are noted, i.e., Applicant respectfully submits that one skilled in the art would understand that the term "dedicated" does not mean "used for a single function",...., That is, one skilled in the art would understand that the term **"dedicated" refers to an appliance operating system** that controls only a subset of appliances available to an information handling device.

Applicant respectfully points out that the passage cited by the Office reads in full as follows "In one embodiment, **entertainment operating system** 172 can control either **the built in CD player**, or the second CD player that is part of home theater 187, while a general operating system would be limited to controlling the **built in CD player**." Specification, page 7, lines 11-14.

Applicant's clarification in the remarks dated 5/2/2007 **regarding the claimed invention is noted**. Applicant's statements, "Applicant respectfully submits that **operating systems** can in fact be executed **concurrently**" (emphasis added), with respect to claims 1, 18 and 26; "**operating system** is typically executed **at a processor**" (emphasis added), with respect to claim

26; "Applicant respectfully submits that one skilled in the art would know that there are a **number of ways that an operating system** can **control an appliance**" (emphasis added), with respect to claims 1, 7, 18 and 26; "The general purpose information handling system can use an appliance operating system to control an appliance and use **other operating systems to perform other tasks** and **therefore be a general purpose system**"(emphasis added), with respect to claim 18.

Regarding the applicant's concern, i.e., According to Solomon: The present invention provides an improved method and apparatus for concurrent execution of operating systems. A software abstraction layer provides an interface that allows a first operating system to run concurrently with a second operating system on the same data processing system, in which the first operating system is in communication with the base machine in the data processing system. Interaction between the second operating system and the base machine is handled by the software abstraction layer translating requests and calls from a format normally made by the second operating system to the base machine into a format that is processed by the first operating system. Solomon, col. 2, lines 14-25 (emphasis added). Thus, the intended purpose of Solomon is to provide a method and apparatus to allow two operating systems to run concurrently, with one operating system providing an interface between a base machine and the second operating system. ... If the system of Watanabe, which selects and executes only one of a plurality of operating systems at a time, were combined with the system of Solomon it would render Solomon unsatisfactory for its intended purpose of providing a scheme to allow a computer to run multiple operating systems concurrently. Concurrent running of

operating systems, as taught by Solomon, is diametrically opposed to executing only one

operating system at a time as taught by Watanabe. Accordingly, one of ordinary skill in the

art would not combine Solomon and Watanabe as each reference teaches away from the

essential feature of the other. Further, in order to combine references for an obviousness

rejection, there must be a reasonable expectation of success which is found in the prior art,

not in an applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir.

1991). There is no reasonable expectation that a combination of Solomon and Watanabe

would be a success, because Solomon teaches concurrent execution of operating systems, and

Watanabe teaches execution of a single operating system at a time. Accordingly, Solomon

and Watanabe cannot be combined for purposes of an obviousness rejection.

The examiner respectfully disagrees. First the disclosure and the teachings of the Solomon

are not limited as concluded by the applicant. Second the operating systems of the **claimed**

invention is not limited to which software layers they belong to. Third, there is **no need** to

combine the **system as applicant suggested** (and/or irrelevant pieces) of Watanable with

Solomon because the Watanable is relied upon to demonstrate the **well-known concept /**

feature of using dedicated software, e.g., figures 9A, 9B and 14, please see the rejections.

One of ordinary skilled in the art very well knows that the concept of using dedicated

software does not require the Watanable's system and/or the above applicant identified

entities / features to be combined! The Solomon reference discloses the relied upon

limitations, please refer to the office action dated 7/27/2007. One of ordinary skilled in the

art would easily understand that dedicated use of the software including operating system

would limit the use of the software and would be used for specific use and which is a

technique for reliable performance. Further, it is well established that a conclusion of

obviousness may be made based on a combination of references based on a reason,

suggestion or motivation to lead an inventor to combine those references. *In re Pro-Mold*

and Tool Co. v. Great Lakes Plastic Inc., **37 USPQ2d 1626, 1629 (Fed. Cir. 1996).** Also,

the test for obviousness is not whether the features of a secondary reference may be bodily

incorporated into the structure of a primary reference. It is also not that the claimed

invention must be expressly suggested in any one or all of the references. Rather, the test is

what the combined teachings of the references would have suggested to those of ordinally

skill in the art. *In re Keller,* **642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981);** *In re*

Young, **927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991).** The reason or

motivation to modify the reference may often suggest what the inventor has done, but for a

different purpose or to solve a different problem. It is not necessary that the prior art suggest

the combination to achieve the same advantage or result discovered by applicant. *In re*

Linter, **458 F.2d 1013, 173 USPQ 560 (CCPA 1972).** There is no requirement that the prior

art provide the same reason as the applicant to make the claimed invention. *Ex parte*

Levengood, **28 USPQ2d 1300, 1302 (Bd. Pat. App. & Inter. 1993).** Further, in response to

applicant's argument that the examiner's conclusion of obviousness is based upon improper

hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense

necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into

account only knowledge which was within the level of ordinary skill at the time the claimed

invention was made, and does not include knowledge gleaned only from the applicant's

disclosure, such a reconstruction is proper. **See *In re McLaughlin*, 443 F.2d 1392, 170
USPQ 209 (CCPA 1971).** Therefore, the rejection is maintained.

Regarding the applicant's concern, i.e., one skilled in the art would not combine Endo and
Watanabe, because doing so would render Endo unsuitable for its intended purpose.
According to Endo An object of the present invention to provide a scheme to making the
input and output device provided in a computer in common for a plurality of operating
system, in a multiple operating system control unit operating a plurality of mutually distinct
operating systems on one computer system. In order to accomplish the above mentioned
object, According [sic] to the first invention, a computer system including a plurality of
operating systems, and an OS switching means for switching a plurality of operating systems,
characterized in that said OS switching means makes reference to a preferential interrupt
table on the basis of an interrupt factor for switching to corresponding operating system and
calls interrupt processing means incorporated in said operating system for making the input
and output device provided in the computer system in common for a plurality of operating
systems. Endo, col. 2, line 65 - col. 3, line 13 (emphasis added). Thus, the intended purpose
of Endo is to provide a scheme to allow input and output devices to be operated by a
computer that is running multiple operating systems concurrently. See Id., col. 5, lines 33 -38
("In the shown embodiment, discussion will be given for the case where two operating
systems 116 and 117 are present in the computer system. The operating systems 116 and 117
execute tasks 110 to 115 using memory assigned for each operating system and a resource of
the processor"). As explained above, Watanabe selects and executes only one of a plurality of

operating systems at a time. Thus, if the system of Watanabe, were combined with the system of Endo it would render Endo unsatisfactory for its intended purpose of providing a scheme to allow input and output devices to be operated by a computer that is running multiple operating systems concurrently. Accordingly, one skilled in the art would not combine the references, and their combination cannot support an obviousness rejection.

The examiner respectfully disagrees. First the disclosure and the teachings of the Endo **are not limited** as concluded by the applicant. Second the operating systems of the **claimed invention is not limited** to whether or not allow input and output devices to be operated by a computer. Third, there is **no need** to combine the **system as applicant suggested** (and/or irrelevant pieces) of Watanable with Endo because the Watanable is relied upon to demonstrate the **well-known concept / feature** of using dedicated software, please see the rejections. One of ordinary skilled in the art very well knows that the concept of using dedicated software does not require the Watanable's system and/or the above applicant identified entities / features to be combined! The Endo reference discloses the relied upon limitations, please refer to the office action dated 7/27/2007. One of ordinary skilled in the art would easily understand that dedicated use of the software including operating system would limit the use of the software and would be used for specific use and which is a technique for reliable performance. Further, it is well established that a conclusion of obviousness may be made based on a combination of references based on a reason, suggestion <u>or</u> motivation to lead an inventor to combine those references. *In re Pro-Mold and Tool Co. v. Great Lakes Plastic Inc.,* **37 USPQ2d 1626, 1629 (Fed. Cir. 1996).** Also, the test for obviousness is not whether the features of a secondary reference may be bodily

incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinally skill in the art. *In re Keller*, **642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981);** *In re Young*, **927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991).** The reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. *In re Linter*, **458 F.2d 1013, 173 USPQ 560 (CCPA 1972).** There is no requirement that the prior art provide the same reason as the applicant to make the claimed invention. *Ex parte Levengood*, **28 USPQ2d 1300, 1302 (Bd. Pat. App. & Inter. 1993).** Further, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. **See** *In re McLaughlin*, **443 F.2d 1392, 170 USPQ 209 (CCPA 1971).** Therefore, the rejection is maintained.

Regarding the applicant's concern, i.e., one skilled in the art would not combine Endo and Ginter, because doing so would render Endo unsuitable for its intended purpose. As

explained, the intended purpose of Endo is "to provide a scheme to making the input and output device provided in a computer in common for a plurality of operating system, in a multiple operating system control unit operating a plurality of mutually distinct operating systems on one computer system." Endo, col. 2, line 65 - col. 3, line 2 (emphasis added). However, Ginter discloses a virtual distribution environment (VDE) to enforce a secure chain of handling among distributed electronic devices. Ginter, Abstract. As part of the VDE, Ginter discloses a Rights Operating System (ROS) that includes "operating system layers for desktops (e.g., DOS, Windows, Macintosh); device drivers and operating system interfaces for network services (e.g., Unix and Netware); and dedicated component drivers for 'low end' set tops." Id., col. 73, lines 62-66. Thus, the Ginter system clearly discloses using multiple operating systems on multiple systems, such as multiple desktop computer systems. Accordingly, combining Ginter with Endo would render Endo unsuitable for its intended purpose of providing a scheme to allow input and output devices to be operated by a single computer system that is running multiple operating systems concurrently. Accordingly, one skilled in the art would not combine Ginter and Endo.

The examiner respectfully disagrees. First the disclosure and the teachings of the Endo **are not limited** as concluded by the applicant. Second the operating systems of the **claimed invention is not limited** to whether or not making the input and output device provided in a computer in common for a plurality of operating system. Third, there is **no need** to combine the **system as applicant suggested** (and/or irrelevant pieces) of Ginter with Endo because the Ginter is relied upon to demonstrate the **well-known concept / feature** of using dedicated software, please see the rejections. One of ordinary skilled in the art very well knows that the

concept of using dedicated software does not require the Ginter's system and/or the above applicant identified entities / features to be combined! The Endo reference discloses the relied upon limitations, please refer to the office action dated 7/27/2007. One of ordinary skilled in the art would easily understand that dedicated use of the software including operating system would limit the use of the software and would be used for specific use and which is a technique for reliable performance. Further, it is well established that a conclusion of obviousness may be made based on a combination of references based on a reason, suggestion or motivation to lead an inventor to combine those references. *In re Pro-Mold and Tool Co. v. Great Lakes Plastic Inc., 37 USPQ2d 1626, 1629 (Fed. Cir. 1996).* Also, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinally skill in the art. *In re Keller, 642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981); In re Young, 927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991).* The reason or motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. *In re Linter, 458 F.2d 1013, 173 USPQ 560 (CCPA 1972).* There is no requirement that the prior art provide the same reason as the applicant to make the claimed invention. *Ex parte Levengood, 28 USPQ2d 1300, 1302 (Bd. Pat. App. & Inter. 1993).* Further, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper

hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, **443 F.2d 1392, 170 USPQ 209 (CCPA 1971).** Therefore, the rejection is maintained.

Regarding the applicant's concern, i.e., one skilled in the art would not combine Lee and Watanabe, because doing so would render Lee unsuitable for its intended purpose. In particular, Lee discloses an apparatus and method for securing system resources "in a concurrent multiple operating system environment." Lee, Abstract. According to Lee: The present invention provides an apparatus and method for monitoring and securing resources shared by multiple operating systems in a concurrent multiple operating system environment. Thus, with the present invention, the risk of altering data that is needed by other applications running under other operating systems concurrently is minimized. Id., col. 3, lines 20-25 (emphasis added). As explained above, Watanabe selects and executes only one of a plurality of operating systems at a time. Thus, if the system of Watanabe, were combined with the system of Lee it would render Lee unsatisfactory for its intended purpose of providing a scheme to share resources when multiple operating systems are running concurrently. Accordingly, one skilled in the art would not combine the references, and their combination cannot support an obviousness rejection.

The examiner respectfully disagrees. First the disclosure and the teachings of the Lee **are not limited** as concluded by the applicant. Second the operating systems of the **claimed invention is not limited** to whether or not secure system resources in a concurrent multiple operating system environment. Third, there is **no need** to combine the **system as applicant suggested** (and/or irrelevant pieces) of Watanabe with Lee because the Watanabe is relied upon to demonstrate the **well-known concept / feature** of using dedicated software, please see the rejections. One of ordinary skilled in the art very well knows that the concept of using dedicated software does not require the Watanabe's system and/or the above applicant identified entities / features to be combined! The Lee reference discloses the relied upon limitations, please refer to the office action dated 7/27/2007. One of ordinary skilled in the art would easily understand that dedicated use of the software including operating system would limit the use of the software and would be used for specific use and which is a technique for reliable performance. Further, it is well established that a conclusion of obviousness may be made based on a combination of references based on a reason, suggestion or motivation to lead an inventor to combine those references. *In re Pro-Mold and Tool Co. v. Great Lakes Plastic Inc.,* **37 USPQ2d 1626, 1629 (Fed. Cir. 1996).** Also, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of a primary reference. It is also not that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinally skill in the art. *In re Keller,* **642 F.2d 414, 425, 208 USPQ 871, 881 (CCPA 1981);** *In re Young,* **927 F.2d 588, 591, 18 USPQ2d 1089, 1091 (Fed. Cir. 1991).** The reason or

motivation to modify the reference may often suggest what the inventor has done, but for a different purpose or to solve a different problem. It is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by applicant. *In re Linter*, **458 F.2d 1013, 173 USPQ 560 (CCPA 1972).** There is no requirement that the prior art provide the same reason as the applicant to make the claimed invention. *Ex parte Levengood*, **28 USPQ2d 1300, 1302 (Bd. Pat. App. & Inter. 1993).** Further, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. **See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).** Therefore, the rejection is maintained.

Double Patenting

4.   The claims 1-46 are provisionally rejected on the ground of non-statutory double patenting over claims 1-64 of copending Application Number 10/869,165, please office action dated 3/24/2006.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5.   Claims 1-46 and its dependent claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant's response/remarks is considered but not persuasive regarding these rejections and below is the further explanation for the response/remarks.

Claims 1 and its dependent claims recite the limitations, "an appliance operating system <u>dedicated</u> to <u>control the information handling device</u> to <u>operate a subset</u> of the one or <u>more appliances</u>" (along with the claimed general operating system of the claims). These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim. It is not apparent how the appliance operating system is <u>dedicated;</u> when it is used for multiple functions (meaning handling of subset of appliances and <u>being general</u> among the subset of appliances), please refer to the arguments section. Similar applies to claims 18 and its dependent claims. Similar applies to claims 26 and its dependent claims. Similar applies to claims 7 and its dependent claims. The applicant's statements, "Applicant respectfully points out that the passage cited by the Office reads in full as follows "<u>In one embodiment</u>, **entertainment operating system 172 can <u>control either</u> the built in CD player**, or the second CD player that is part of home theater 187, while a **general** operating system <u>would be limited to controlling the built in CD player</u>." Specification, page 7, lines 11-14"; implies that the appliance operating system being general as it is general among multiple subset of devices including the built-in player that is part of the information handling device itself! and which is contrary to the term **"dedicated" refers to an appliance operating system** that controls only a subset of appliances

available to an information handling device (versus built-in). In fact, these statements also

implies that the appliance operating system is not an operating system because it is used to

control the devices and not used as what **one of ordinary skilled in the art at the time of the**

invention very well knows that "**an operating system that controls general purpose**

computing tasks" is the inherent property of the operating system, as the **operating system by**

itself is the collection of software that directs a computer's operations, controlling and

scheduling the execution of other programs, and managing storage, input/output, and

communication resources. It is the software designed to control the hardware of a **specific**

data-processing system in order to allow users and application programs to make use of it. The

operating system is a software that controls the **execution of computer programs.**

The operating system is a software designed to handle basic elements of computer

operation, such as sending instructions to hardware devices like **disk drives and computer**

screens, and **allocating system resources such as memory** to different software applications

being run.

The term "general operating system" in claims 1 and dependent claims is a relative term,

which renders the claim indefinite. It is not apparent what is considered as "general" as the

specification of this application under prosecution clearly states, "**while a general operating**

system would be limited to controlling the built in CD player", (note: the prior office

action contained this explanation prior to the remarks 5/2/2007) please refer to the arguments

section. Similar applies to claims 18 and its dependent claims. Similar applies to claims 26 and

its dependent claims. Similar applies to claims 7 and its dependent claims.

The term "general information handling tasks" in claims 1 and dependent claims is a relative term, which renders the claim indefinite. It is not apparent what is considered as **"general information handling tasks" as the specification of this application under prosecution clearly states, "while a general operating system would be limited to controlling the built in CD player",** which in fact is similar to the tasks handled by the appliance operating system because the CD player is an appliance too, also please refer to the arguments section. Similar applies to claims 18 and its dependent claims. Similar applies to claims 26 and its dependent claims. Similar applies to claims 7 and its dependent claims.

Claims 4 recite the limitations, "executing ... operating systems concurrently" (along with general operating system performing general information handling tasks, note claim 4 includes limitations of claims 1 and 2) (and the appliance operating not performing the general information handling tasks). These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim. It is not apparent **how the general operating system can perform general information tasks when the other appliance operating system is having its turn during the concurrent operation** (during the switching period) as one of ordinary skilled in the art at the time of the invention very well knows that the general operating is waiting to be executed in the concurrent processing (during the switching period). When the appliance operating system(s) have their turn the **general operating system cannot do anything when the appliance operating system have their turn** and the general operating system cannot perform any general tasks that are general and needed for the device when the appliance operating system(s) have their turn. Similar applies to claim 22. Similar applies to claims 26 and its dependent claims.

Applicant's statement, "Applicant respectfully points out that the Office Action provides no support for this assertion. One skilled in the art would understand that **operating systems** can be executed **concurrently using a variety of techniques**. Accordingly, claims 4, 22, and 26 comply with the second paragraph of Section 112" (emphasis added), is noted. **The examiner agrees with the applicant that the variety of techniques are well known that support concurrently executing operating systems**, however the applicant failed to support how the claimed invention, and which technique in the specification, supports **how the general operating system can perform general information tasks when the other appliance operating system is having its turn and when the general operating system is waiting for its turn during concurrent processing**. In fact see claimed invention, claim 3, "**discontinuing execution of one operating system prior to executing another operating system**". When the general operating system is discontinued, how the general information tasks would be handled considering the applicant's remarks that the appliance operating system is dedicated to appliance only.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The applicant's statements, i.e., claims 1, 7, 11, 12, 18, 26, 32, 35, and 38 have been amended to address various informalities. The amendments to the claims do not narrow the scope of the claims, is noted.

7.   Claims 1-4, 6, 11-14, 16-27, 41-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon, LSI Logic Corporation, 6,269,409 (Hereinafter Solomon-LSI) in view of Watanabe et al., 6,763,458, Captaris Inc (Hereinafter Watanabe-Captaris), as per office action dated 7/27/2007.

8.   Claims 5, 7-10, 15, 28-40, 44-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon-LSI and Watanabe-Captaris in view of "Official Notice" , as per office action dated 7/27/2007.

9.   Claims 1-4, 6, 11-14, 16-28, 41-43, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. 6,615,303 (Hereinafter Endo) in view of Watanabe et al., 6,763,458, Captaris Inc (Hereinafter Watanabe-Captaris) , as per office action dated 7/27/2007.

10.   Claims 5, 7-10, 15, 29-40, 44-46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo and Watanabe-Captaris in view of "Official Notice" , as per office action dated 7/27/2007.

11.   Claims 1-4, 6, 11-28, 41-43, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Endo et al. 6,615,303 (Hereinafter Endo) in view of Ginter et al., 6,363,488 (Hereinafter

Ginter) , as per office action dated 7/27/2007.

12.   Claims 5, 7-10, 29-40, 44-46, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Endo and Ginter in view of "Official Notice" , as per office action dated 7/27/2007.

13.   Claims 1-4, 6, 11-14, 16-27, 41-43, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lee et al., 6,823,458, International Business Machines Corporation

(Hereinafter Lee-IBM) in view of Watanabe et al., 6,763,458, Captaris Inc (Hereinafter

Watanabe-Captaris) , as per office action dated 7/27/2007.

14.   Claims 5, 7-10, 15, 28-40, 44-46, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lee-IBM and Watanabe-Captaris in view of "Official Notice" , as per office

action dated 7/27/2007.

Conclusion

Multiple references are used for the rejections to demonstrate that several references

disclose the broadly claimed subject matter of the claims.

The prior art made of record (forms PTO-892 and applicant provided IDS cited arts) and

not relied upon is considered pertinent to applicant's disclosure. For example, Josten et al.,

5,546,579 also discloses usage of the concurrent operating system as claimed, col., 6. Hirsch et

al., 4,722,048 also discloses usage of the concurrent operating system as claimed, col., 4. Okada

et al., IBM, 6,233,213, also discloses usage of concurrent playbacks of CD and DVD, col., 2.

Hughes, Tacit Networks, 6,854,009, also discloses usage of concurrent handling of appliance(s),

col., 16.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Examiner has cited particular columns and line numbers and/or paragraphs and/or

sections and/or page numbers in the reference(s) as applied to the claims above for the

convenience of the applicant. Although the specified citations are representative of the teachings

of the art and are applied to the specific limitations within the individual claim, other passages

and figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety, as potentially teaching, all or part of the

claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by
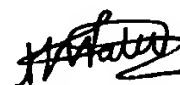
the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HARESH PATEL

PRIMARY EXAMINER

January 21, 2008